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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/861,989    05/22/97    DILLARD

K    60323

WM01/0301  
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EXAMINER
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RETTA, Y

ART UNIT	PAPER NUMBER
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2162

DATE MAILED:

03/01/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/861,989

Applicant(s)

Dillard et al.

Examiner

Yehdega Retta

Group Art Unit

2162

☒ Responsive to communication(s) filed on Feb 3, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 3-24 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 3-24 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2162

**DETAILED ACTION**

***Continued Prosecution Application***

1. The request filed on December 05, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/861989 is acceptable and a CPA has been established. An action on the CPA follows.

***Response to Amendment***

2. This office action is in response to amendment filed December 05, 2000.  
Claims 23 and 24 have been added.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 23 and 24 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 23 and 24 recites "wherein the software is a data containing aeronautical data". The specification as originally filed does not clearly support the database containing aeronautical data. Page 6 lines 26-28, describes the data as topographical data, however topographical data is not the same as and does not provide clear support for aeronautical data. As a result, claims 23

Art Unit: 2162

and 24 contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that applicant had possession of the claimed invention.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

6. Claims 9-11, 13, 15, 19, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Wasilewski et al. U.S.Patent No. 5,341,425.

7. As per claim 13, Wasilewski teach a system or method for preventing unauthorized use of software transmitted over a communication link the system or method comprising one or more receiving electronic unit each having a unique software key (see col. 4 lines 44-56); encrypting software as a function of the unique software key of one of the receiving electronic unit (see col. 6 lines 1-5); transmitting encrypted software over communication link; uploading encrypted software into the electronic unit with unique software key that matches the unique software key used by the encryption means (see col. 6 lines 48-65). Wasilewski teaches a plurality of different transmission sites that each transmit a set of data to one or more reception sites, both the encryptor and the decryptor each provided with the unique encryption key (see col. 2 lines 12-54).

Art Unit: 2162

8. As per claims 10, 15, 19 and 21, Wasilewski teach applying a unique software key to each one of receiving electronic unit; encrypting software code as a function of a single software key; transmitting the encrypted software code from said transmitting electronic unit over communication link to one or more receiving electronic units (see col. 2 lines 13-69); decrypting transmitted encrypted software code at the receiving unit according to the software key used to encrypt the software code and the unique software keys applied to the receiving units (see col. 3 lines 19-51).

9. As per claim 22, Wasilewski does not explicitly show transmitting an upload program with the encrypted software code and decrypting transmitted encrypted software code according the transmitted upload program, however transmitting program to decrypt encrypted code according to the program is inherent feature of the encryption and decryption method of Wasilewski (see col. 1 lines 40-66).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3-8, 12, 14, 16-18, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski U.S. Patent No. 5,894,516, and further in view of Teare et al. U.S. Patent No. 5,243,652.

Art Unit: 2162

12. As per claims 3, 4, 12, 14, 20 and 23 Wasilewski does not explicitly disclose global positioning system unit with unique software key and topographical or aeronautical data. Teare et al. discloses the use of global positioning system unit with unique location history used for topographical data (see column 3 lines 4-9 and 30-36). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine Wasilewski invention with Tear et al. invention in order to determine locations.

13. As per claims 5 and 16, Wasilewski does not disclose cyclic redundancy coding. However official notice is taken that cyclic redundancy coding is old and well known in the art of error detection . It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement cyclic redundancy coding in order to detect transmission errors.

14. As per claims 6 and 17 Wasilewski discloses unique key initially used as a seed for encrypting software (see col. 1 lines 43-56).

15. As per claims 7, 8 and 18, Wasilewski does not disclose wired or Internet link. However official notice is taken that wired or Internet link is old and well known in the art of communication link. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement wired or Internet as transmission medium which is a readily available link.

16. As per claims 9 and 11, Wasilewski does not explicitly disclose footer tag that include unique software key. However, this feature is deemed to be inherent for encrypted message to

Art Unit: 2162

include code to indicate whether the message is encrypted or not and to compare the unique software key to the key in the footer or header to determine if it matches .

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wasilewski et al. U.S. Patent No. 5,400,401, system and method for transmitting a plurality of digital services.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on Monday-Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks  
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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

(703) 308-5397, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Examiner  
Yehdega Retta  
Art Unit 2162  
February 24, 2001

  
JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100